

ORDINANCE NO. 003-027

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AS HERETOFORE AMENDED, SO AS TO AMEND AN EXISTING SPECIAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION ONLY, ON APPLICATION FROM GOODY-GOODY LIQUOR, LOCATED AT 14851 INWOOD ROAD, AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR NO SEVERABILITY CLAUSE; AND PROVIDING FOR A REPEAL CLAUSE.

WHEREAS, application was made to amend the Comprehensive Zoning Ordinance of the Town of Addison, Texas, by making application for the same with the Planning and Zoning Commission of the Town of Addison, Texas, as required by State Statutes and the zoning ordinance of the Town of Addison, Texas, and all the legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of Addison, Texas, after all legal notices, requirements, conditions and prerequisites having been complied with; and

WHEREAS, the City Council of the Town of Addison, Texas, does find that there is a public necessity for the zoning change, that the public demands it, that the public interest clearly requires the amendment, and it is in the best interest of the public at large, the citizens of the Town of Addison, Texas, and helps promote the general welfare and safety of this community, now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. The Comprehensive Zoning Ordinance of the Town of Addison, Texas, as heretofore amended, be amended, by amending the zoning map of the Town of Addison, Texas, so as to grant a special use permit for the sale of alcoholic beverages for off-premises consumption to Goody-Goody Liquor. Said special use

permit shall be granted subject to the special conditions on the following described property, to-wit:

BEING an 11,900 square foot lease space located in a freestanding building which is addressed as 14851 Inwood Road on a tract of land situated in the Town of Addison, Dallas County, Texas, and being a part of the Elisha Pike Survey, Abstract No. 478, and being a part of the Josiah Pancoast Survey, Abstract No. 1146, and being a part of that certain tract of land described in a deed to J. R. and Jack Maxfield, filed August 18, 1959, recorded in Deed Records, Dallas County, Texas.

COMMENCING at an iron rod found in the Southwest Line of Inwood Road (60 feet ROW) said point being South 17 degrees 15 Minutes East, 1231.99 feet along said West line of Inwood Road from a visibility clip in the South line of Belt Line Road (100 feet ROW) same being a Northeast corner of said 4.315 acre tract;

THENCE West along a North line of said 4.315 acre tract, 336.98 feet to an iron rod found for corner;

THENCE South 35.0 feet to an "X" set for corner at the PLACE OF BEGINNING;

THENCE West 217.24 feet to an "X" set for corner in the West line, 311.96 feet to the Northwest corner of said 4.315 acre tract;

THENCE North 0 degrees 26 minutes West along the said West line, 311.96 feet to the Northwest corner of said 4.315 acre tract;

THENCE East along a North line of said 4.315 acre tract, 219.57 feet to an "X" set for corner at a Northeast corner of said tract;

THENCE South along an East line of said 4.315 acre tract, 311.95 feet to the PLACE OF BEGINNING and containing 68,131.7 square feet or 1.564 acres of land.

SECTION 2. That the Special Use Permit is granted subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a detailed landscape plan for the entire site that shows new and existing landscaping. All dead or missing trees and shrubs will need to be replaced, and the irrigation system will need to be brought up to the current standards outlined in the landscape regulations.

2. Any new mechanical equipment added to the roof of the building shall be screened from view with a material that is aesthetically compatible to the building. The Building Official shall make the determination as to what material is aesthetically compatible.
3. That prior to the issuance of a Certificate of Occupancy, said property shall be improved in accordance with the site plan, floor plan, landscape plan, irrigation plan, and the elevation drawings showing four exterior walls, which are attached hereto and made a part hereof for all purposes.
4. That the Special Use Permit granted herein shall be limited to a restaurant and the sale of alcoholic beverages for on-premises consumption only and to that particular area designated on the final site plan as encompassing a total area not to exceed 20,050 square feet.
5. No signs advertising sale of alcoholic beverages shall be permitted other than those authorized under the Liquor Control Act of the State of Texas, and any sign ordinance of the Town of Addison, Texas.
6. Any use of property considered as a nonconforming use under the Comprehensive Zoning Ordinance of the Town of Addison shall not be permitted to receive a license or permit for the sale of alcoholic beverages.
7. That if the property for which the special use permit is granted and is not used for the purposes for which said permit was granted within one (1) year after the adoption of this ordinance, the City Council may authorize hearings to be held for the purpose of considering a change of zoning.
8. That if a license or permit to sell alcoholic beverages on property covered by this special use permit is revoked, terminated or cancelled by proper authorities, the City Council may authorize hearings to be held for the purpose of considering a change of zoning.
9. Prior to the issuance of a building permit, the applicant shall submit a detailed landscape plan for the entire site that shows new and existing landscaping. All dead or missing trees and shrubs will need to be replaced, and the irrigation system will need to be brought up to the current standards outlined in the landscape regulations.
10. Any new mechanical equipment added to the roof of the building shall be screened from view with a material that is aesthetically compatible to the building. The Building Official shall make the determination as to what material is aesthetically compatible.

SECTION 3. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the city, as heretofore amended, and upon conviction shall be punished by a fine set in accordance with Chapter 1, General Provisions, Section 1.10, General penalty for violations of Code; continuing violations, of the Code of Ordinances for the Town of Addison.

SECTION 4. It is the intention of the City Council that this ordinance be considered in its entirety, as one ordinance, and should any portion of this ordinance be held to be void or unconstitutional, then said ordinance shall be void in its entirety, and the City Council would not have adopted said ordinance if any part or portion of said ordinance should be held to be unconstitutional or void.

SECTION 5. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 9th day of September, 2003.



MAYOR

ATTEST:



CITY SECRETARY

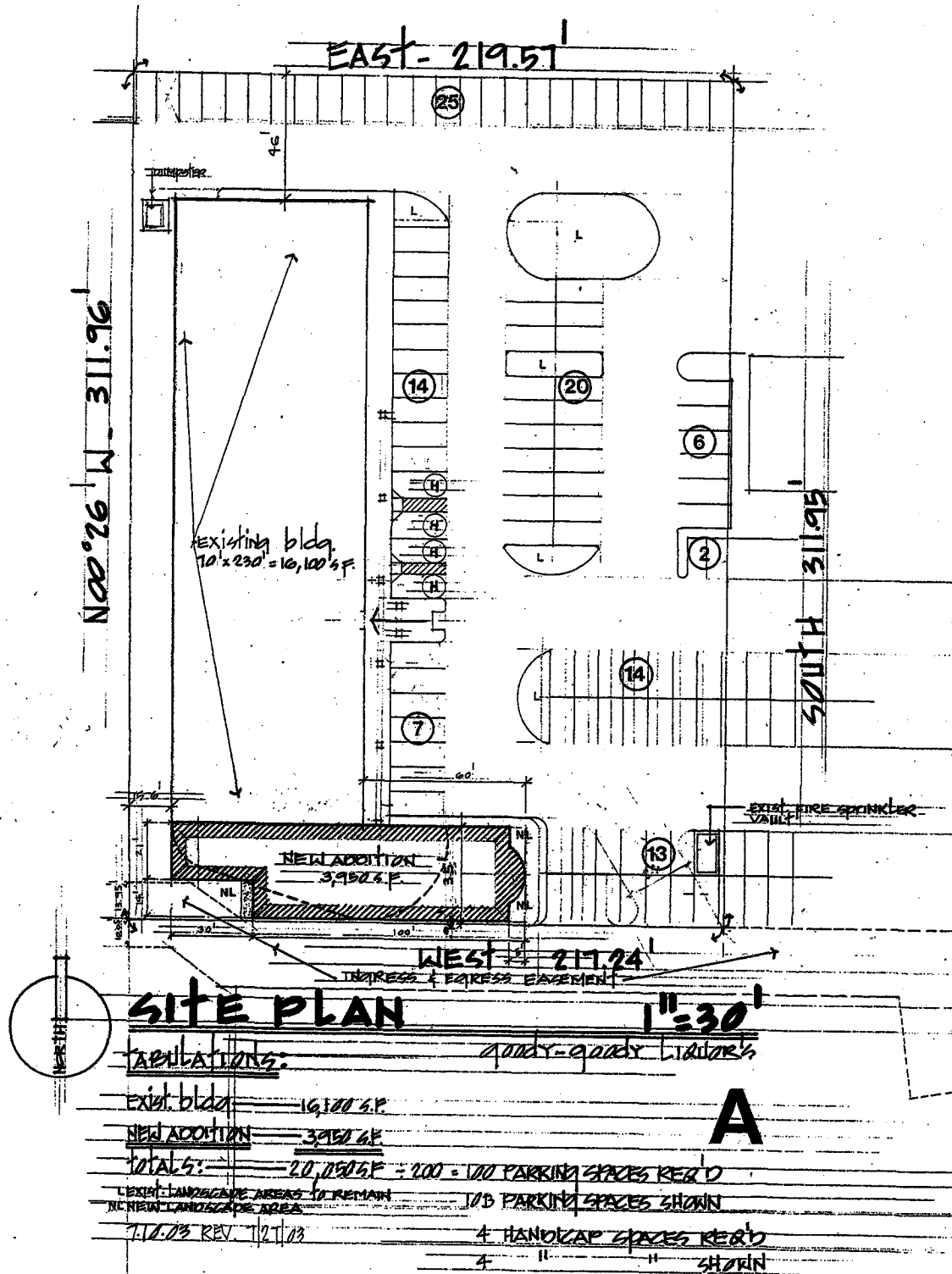
CASE NO. 1435-SUP

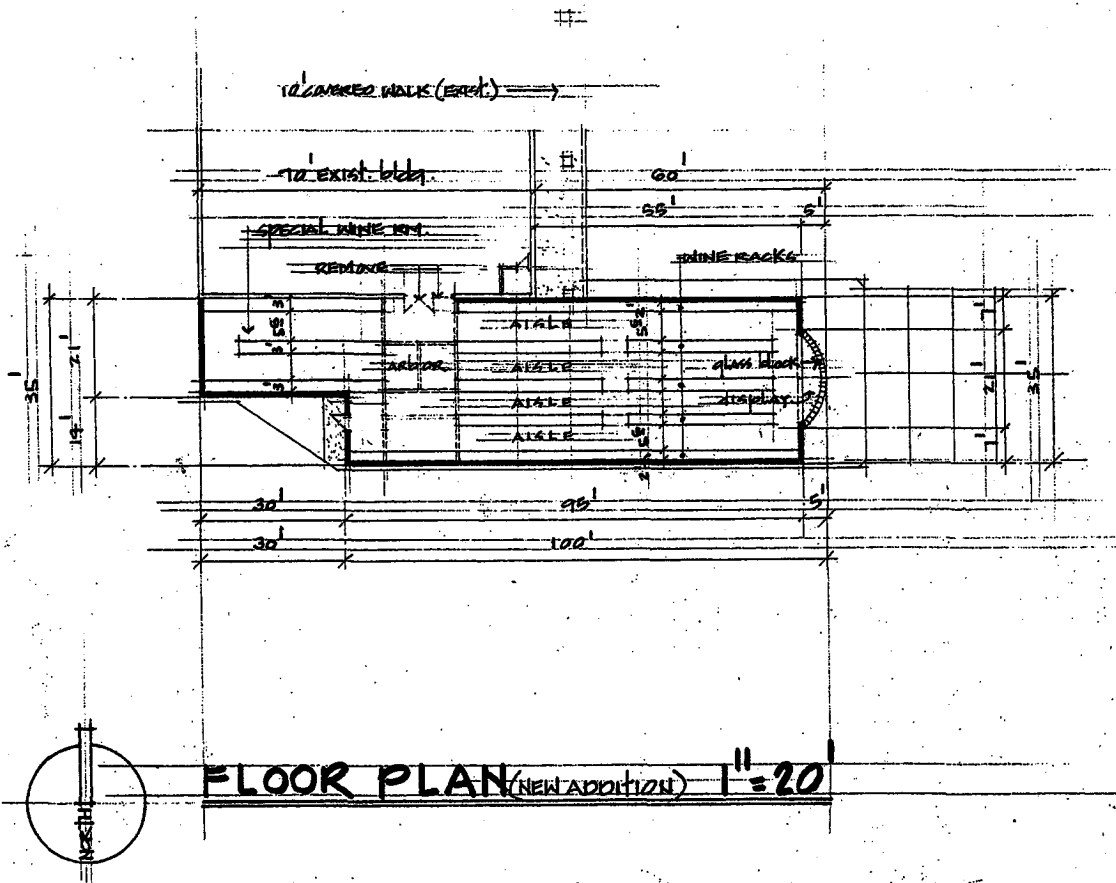
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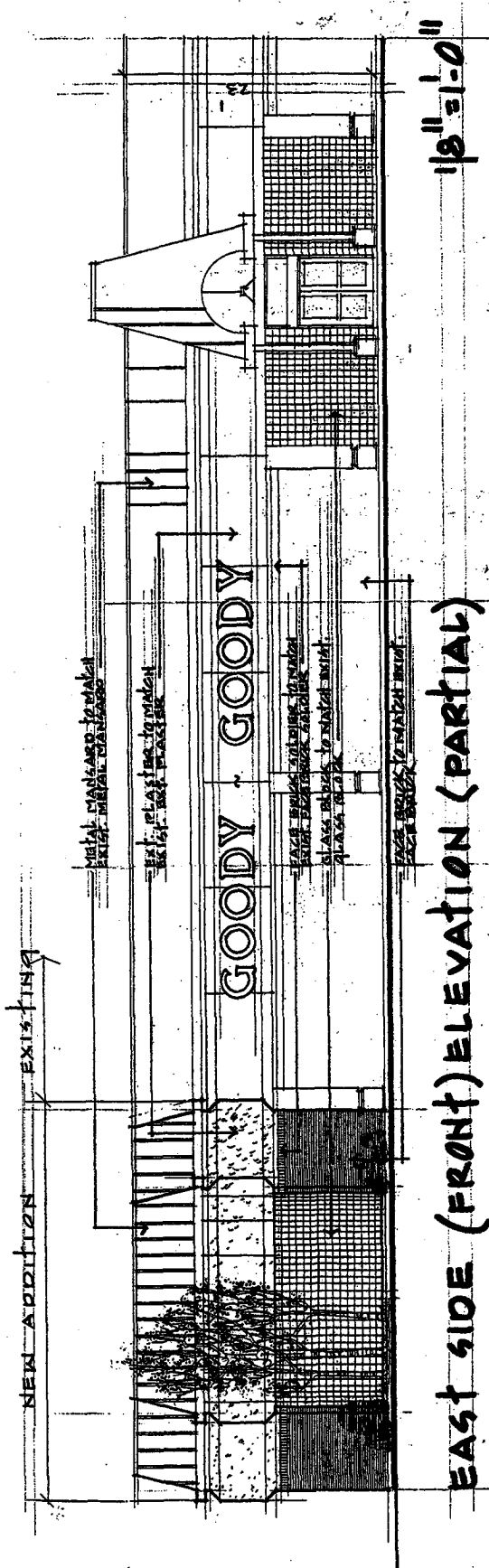


DIRECTOR OF DEVELOPMENT SERVICES

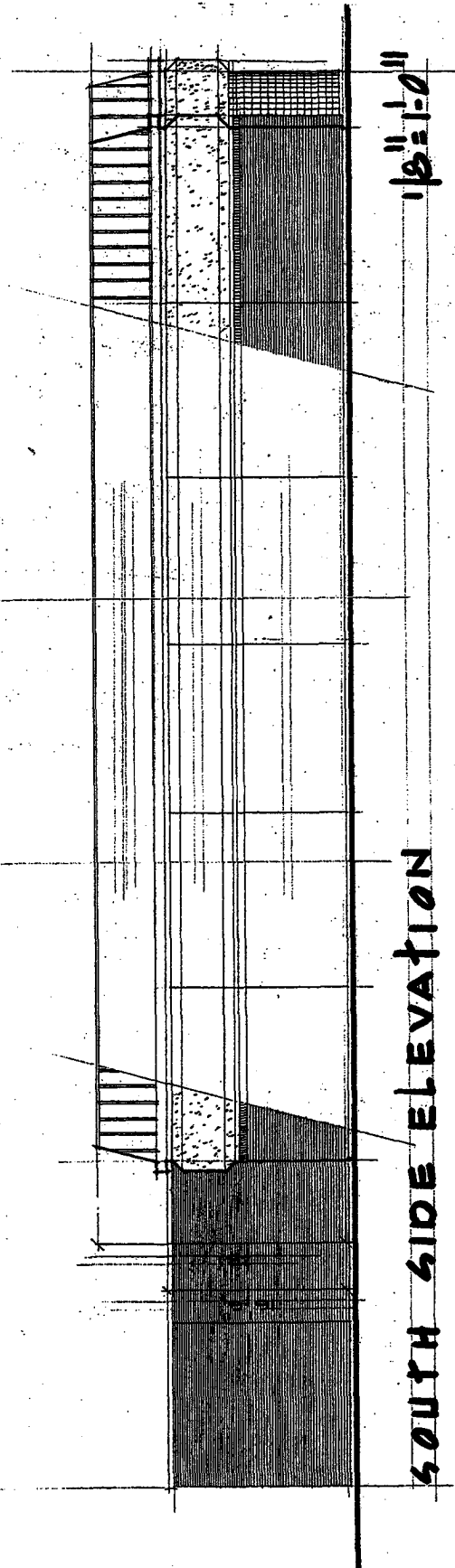
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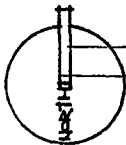
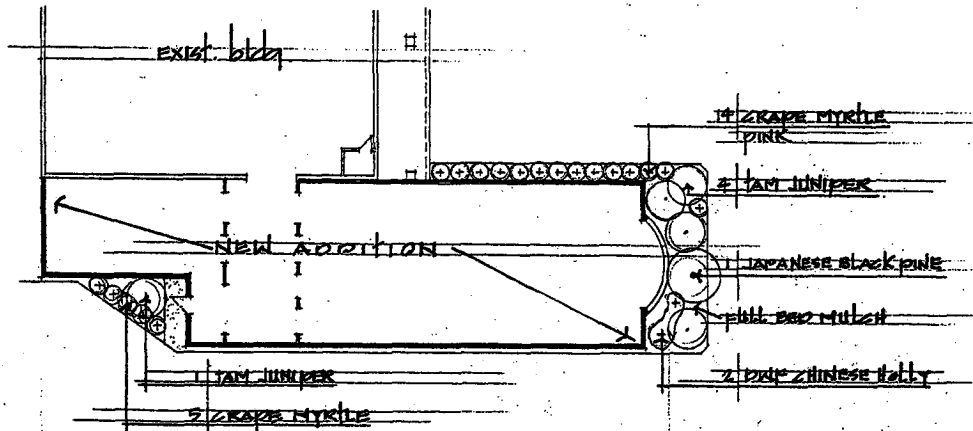
EAST SIDE (FRONT) ELEVATION (PARTIAL)



SOUTH SIDE ELEVATION

NEW LANDSCAPE NOTE

REPLACE ALL EXIST. TREES & PLANTS
WITH NEW IN ALL EXIST. LANDSCAPE AREAS



LANDSCAPE PLAN 1"=20'